

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on December 29, 2006.

At page 2 of the Office Action, claims 1-21 are rejected as being indefinite.

First, the Examiner states that in claim 1 and elsewhere, "the algorithm calls to a class 'type'. The scope of the members of this class is unclear."

Applicants traverse the rejection as to the word "type." A claim that includes the word "type" is not *per se* indefinite. A computer database search of the word "type" in the claims in the U.S. Patents in the U.S.P.T.O.'s patent database indicates that more than 290,000 patents have the word "type" in them so the presence of the word "type" does not, *per se*, render claims indefinite. While MPEP 2173.05 does mention that the addition of the word "type" to an otherwise definite expression (e.g., "ZSM-5 type aluminosilicate") may raise an issue under 35 U.S.C. 112, 2nd paragraph, the word "type" in claim 1 and in other claims does not modify an otherwise definite expression. Rather, the word "type" is used in the same way as the word "category." See, for example, page 7, lines 8-12 of the present specification, where transaction records may be viewed as a specific type (e.g., tool, recommendation, etc.). Despite the definiteness of previously submitted claim 1, to expedite the prosecution, claim 1 is amended to recite the word "category" instead of "type."

Second, the Examiner states that in claim 2 and elsewhere, "a suitability record is vague. What is it suitable to?" In addition, the Examiner states that in claim 3 and elsewhere, an "assessment record is vague. What is assessing?" The Examiner also states that in claim 14 and elsewhere, "a historical record is vague. To what history does the record refer?" Applicants traverse the objections to the phrases "suitability record," "assessment record," and "historical record."

Applicants submit that one skilled in the art would know what a "suitability record," an "assessment record" and a "historical record" are. According to MPEP 2173.05, "[t]he fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. *Seattle Box*

Co., v. Industrial Crating & Packing, Inc., 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984).

Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." Here, one skilled in the art would know what a "suitability record" is. As explained at page 10, line 19 and later, various suitability screens are shown in Figs. 10A-10D and 13 and client suitability information is collected and is stored as a record. One skilled in the art would also understand that an "assessment record" is a record of client assessment (see, e.g., page 7, line 26). Lastly, a "historical record" of a customer interaction is a customer's interaction history. Accordingly, the dependent claims with the phrases "suitability record," "assessment record" and "historical record" are definite.

At pages 2 and 3 of the Office Action, claim 1 is rejected as being anticipated by U.S. Patent Publication No. 20050159962. This rejection is traversed.

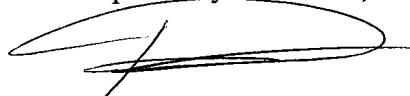
However to expedite the prosecution, the limitation in dependent claim 7 is inserted into independent claim 1. Dependent claim 7 was not rejected over prior art, so claim 1 and any dependents thereon should be allowable over U.S. Patent Publication No. 20050159962.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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